

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL NO. 12-0362-CV-W-GAF

1,149/4 ounce round metal tins, more or  
less, of an article of drug, labeled in  
part:

(tin)

“\*\*\* CHICKWEED HEALING SALVE \*\*\* Usage:  
Good for skin disorders \*\*\* Made by:  
S.A.E.G. \*\*\*,”

244/2 ounce round metal tins, more or  
less, of an article of drug, labeled in  
part:

(tin)

“\*\*\* TO-MOR-GONE \*\*\* (Black Salve) \*\*\*  
Ingredients: Blood Root, \*\*\*,”

316/1/3 fluid ounce glass bottles, more  
or less, of an article of drug, labeled  
in part:

(bottle)

“\*\*\* R.E.P. \*\*\* For sinus infection,  
\*\*\* Made by: S.A.E.G. \*\*\*”

and

all other quantities of the above  
articles of drug, in any size and type  
of container, whether labeled or  
unlabeled, that are located anywhere on  
the premises of Notions-n-Things  
Distribution, 20497 Hwy 65, Bogard,  
Missouri, and which are labeled or  
otherwise determined to have originated  
outside the state of Missouri,

Defendants.

## **UNITED STATES' EX PARTE MOTION TO SEAL**

The United States of America, by its attorneys, David M. Ketchmark, Acting United States Attorney for the Western District of Missouri, and James C. Bohling, Assistant United States Attorney, requests that this court seal the Verified Complaint for Forfeiture, the Warrant for Arrest *in Rem*, this motion, and all other pleadings in this matter until the Warrant for Arrest *in Rem* is executed and the return on the warrant is filed, and in support, states as follows:

1. In this case, the United States seeks to seize the captioned articles at the premises of a distributor located at 20497 Highway 65, Bogard, Missouri in the possession of Notions-n-Things Distribution. The Complaint alleges that the captioned articles are unapproved new drugs, and are misbranded under the Federal Food, Drug, and Cosmetic Act. 21 U.S.C. § 301, *et seq.* See 21 U.S.C. § 352.

2. The public filing of the Verified Complaint for Forfeiture, the Warrant for Arrest *in Rem*, or other pleadings in this matter before the warrant is executed could impede the United States Marshal's execution of the seizure warrant sought by the United States. The Federal Rules of Civil Procedure, Supplemental Rule G(3)(c)(ii)(B), contemplates that the Court may seal a civil forfeiture complaint for the purpose of allowing execution of a seizure warrant, and the Court may set a time for the duration of the seal. In this case, the United States is requesting that the seal stay in place until April 2, 2012, or until the warrant is executed and returned to the Court, whichever is sooner.

3. The United States is providing the Court with a proposed order for the Court's consideration.

WHEREFORE, the United States requests that the Verified Complaint for Forfeiture, the Warrant for Arrest *in Rem*, this motion, and all other pleadings in this case be sealed until April

2, 2012, or the execution of the warrant, whichever comes first.

Respectfully submitted,

David M. Ketchmark  
Acting United States Attorney

Dated: March 27, 2012

By: /s/ James C. Bohling  
James C. Bohling  
Chief, Monetary Penalties Unit  
Assistant U.S. Attorney  
400 East 9th Street, Room 5510, Kansas  
City, MO 64106  
(816) 426-4296  
curt.bohling@usdoj.gov